

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
CLERK

For Online Publication Only

3:39 pm, Aug 05, 2021

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VICTOR RIVAS MORALES,

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

Plaintiff,

-against-

ORDER

21-CV-2554 (JMA)(AKT)

NASSAU COUNTY CORRECTIONS, *et al.*

Defendants.

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AZRACK, United States District Judge:

By Order dated June 21, 2021, the Court afforded incarcerated pro se plaintiff Victor Rivas Morales (“plaintiff”) a final opportunity to either remit the filing fee or file an application to proceed in forma pauperis and the required Prisoner Litigation Authorization form (“PLRA”) by July 15, 2021. See ECF No. 5. Plaintiff had ignored the Court’s earlier Notice of Deficiency, sent to plaintiff on May 7, 2021, directing compliance within fourteen (14) days. See ECF No. 2. The Order warned plaintiff “that a failure to timely comply with this Order absent a showing of good cause will lead to the dismissal of his complaint without prejudice without further notice, judgment shall enter and this case will be closed.” See ECF No. 5.

To date, plaintiff has not complied with the Notice or the Order, nor has he otherwise communicated with the Court about this case.¹ Accordingly, it appears that plaintiff is no longer interested in pursuing this case and the complaint is thus dismissed without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). The Clerk of the Court is directed to enter judgment and to close this case.

¹ The Court notes that mail sent to plaintiff at his address of record has not been returned and the public records maintained by the State of New York reflect that plaintiff remains incarcerated at the Nassau County Correctional Center. See <https://scoc.ny.gov/inmatelocator.html> (last visited on August 5, 2021).

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

The Clerk of Court shall mail a copy of this Order to the plaintiff at his address of record.

SO ORDERED.

Dated: August 5, 2021
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE